

REMARKS

Reconsideration of the above identified patent application is hereby respectfully requested in view of the following remarks. Claims 1-33 remain in the case.

The applicant appreciated the thoroughness of the review by Examiner Thuy Pardo.

A petition and Fee for Extension of Time under 37 CFR 1.136(a) and payment thereof for an extension is attached hereto.

1. Claims 1-33 are presented for examination as is discussed in greater detail hereinafter.

2. The ABSTRACT has been amended to include less than 150 words. Reconsideration is respectfully requested.

3-4. Claim 1-33 were rejected under Mozayeny et al., under 35 U.S.C 102 (e).

Mozayeny et al. was filed on September 19, 2001. This application was filed on March 26, 2001. Thereby, the instant application antedates the "reference" that was cited. Accordingly, all rejections are believed to be overcome and reconsideration is respectfully requested.

It is noted that the cited reference is a continuation of parent application No. 09/477,573 that was filed on January 4, 2000. However, the parent application is not a cited reference, nor has a copy of the parent application been provided for review. Therefore, it is not possible to make arguments against a reference that has not been cited and which is unavailable for review. The applicant has no way of knowing what part(s), if any, of the parent application relate to the instant application.

The Mozayeny et al. continuation application that was cited was filed after this instant application and therefore needs no argument as it has already been antedated. If the parent application of Mozayeny et al. is deemed by the Examiner to be relevant, the Examiner is requested to provide either a copy of it to the applicant for review or to provide clear indication of any differences between the parent application and the reference that was cited.

Arguendo, even if Mozayeny et al. were considered, his invention solves a different problem and includes different structures, accordingly.

With regard to the rejection of base claim 1 and 2, elements "b" and "c" are as shown below.

(b) means for sharing MLS property information between a first real estate agent and a client; and

(c) means for sharing MLS property information between said first real estate agent and a second real estate agent.

The Examiner asserts that Mozayeny et al. teaches elements "b" and "c" in his system as shown in his FIG. 2 drawing and on page 4, section 0041. This is believed to be incorrect.

Mozayeny et al. teaches the sharing of a "showing request" that is shared between the first real estate agent and client or between a first and second real estate agent. No MLS data is shared between agent and client or even between agents in the system of Mozayeny et al.

Section 0041 in Mozayeny et al. is about scheduling an appointment time to view the property (i.e., a property showing request) that is acceptable to the seller and then sharing that appointment information.

Section 0004 in Mozayeny et al. describes the use of MLS data. It is never shared with a client.

Mozayeny et al. states that, "The MLS is a database of listed properties commonly used by listing agents to list properties and used by showing agents to find property that may be suitable for a potential buyer. After a showing agent finds a suitable property listing from the MLS, the showing agent requests from the listing office an appointment time..."

Mozayeny et al. is designed to expedite the process of obtaining an appointment time. According to certain other modifications, a map may also be generated. Mozayeny et al. neither teaches nor suggests the sharing of MLS data as the two base claims recite.

This is because MLS data is confidential. The instant invention "BACKGROUND" on pages 3-5 describes why it is necessary to maintain MLS data confidential, which is primarily to protect the interests of the seller.

Vendors, idle curiosity seekers, moving companies, charitable organizations, and others would barrage a seller if MLS information were shared with the general public. Worse yet, burglars would welcome MLS information as they quickly determined which homes were vacant and when and therefore easy prey. Listing agents themselves guard future MLS listings until they become part of the MLS database in the hope that the listing agent himself or herself can also find a buyer and therefore double their commission.

That is why Mozayeny et al. also carefully guards MLS information by not sharing it with clients or even with other real estate agents.

Clearly, there is no teaching in Mozayeny et al. to share MLS information with clients or agents. The Examiner is believed to be incorrect in asserting the Mozayeny et al. anticipates either element "b" or "c" of base claims 1 and 2. Mozayeny et al. is careful to guard MLS information.

The instant invention, as recited in base claims 1 and 2 shares this information and therefore introduces elements absent Mozayeny et al. and also absent all of the other cited references.

The instant invention allows the sharing of MLS information, but in practice only after a prospective buyer of a property has signed a "client commitment" electing a particular real estate agent to work with. At that juncture, MLS information is shared with the "committed" client.

The Examiner asserts that Mozayeny et al. anticipates the "client commitment" as recited in instant claim 5 on page 4, section 0046. This is believed to be incorrect.

A careful reading of this section reveal that only the real estate agent signs up and pays a fee to use the system. He may receive a member identification number (MIN). Mozayeny et al. in FIG. 5 teaches database entry for registration of realtors. Mozayeny et al. teaches away from any registration or commitment by a prospective client, either a seller or a prospective buyer. Therefore, Mozayeny et al. cannot possibly anticipate sharing MLS data with client or seller, as claimed.

The present invention, by allowing the exchange of MLS information subsequent to a client commitment, saves a great deal of work in that property information need not be entered, as in the case of Mozayeny et al. See page 5,

sections 0050 and 0051 in which select property fields may be entered, but which are not required to use his system.

The instant invention solves an entirely different purpose than Mozayeny et al. Mozayeny et al. is about scheduling property showings.

The present invention is different. It is about allowing clients to peruse MLS listings (not possible with Mozayeny et al.) after first having established a committed relationship with an agent, mark properties that they are interested in (i.e., favorites), and allowing the agents to monitor their client's activity, and share information between themselves, accordingly.

With regard to the Examiner's rejections of dependent claims 3-33, the following differences are not believed to be required in order to differentiate the present invention apart from Mozayeny et al. because present base claims 1 and 2, as described herein, are believed to contain elements absent the prior art and therefore to be in condition of allowance. However, certain of these differences are noted as part of the record.

Present dependent claim 3: Mozayeny et al. is manually updated by the real estate offices. The present invention is automatically updated direct from the MLS (not possible with Mozayeny et al.).

Present dependent claim 4: Mozayeny et al. allows the agent access to his system after payment of a fee for the purpose of scheduling appointment showing times only for properties that have been searched for and found only by the real estate agent. The present invention empowers clients with MLS access in exchange for a commitment and allows the agent ability to track client activity. Accordingly, the clients (unlike Mozayeny et al.) are empowered to search for properties. They, using the present invention, can even drive by a subject property listed on the MLS and take a curbside look prior to a decision possibly scheduling an appointment to further view the property. Accordingly, both client and real estate agent's time is not wasted with showings of inappropriate properties.

Additional information regarding present dependent claim 5: Mozayeny et al. allows for downloading of generic property purchase agreements, not a client commitment. The present invention requires a client commitment to an agent

for buyer or seller access to the system, not found on Mozayeny et al.

Present dependent claim 7: Mozayeny et al. allows for the agent, never the client, to create a list of possible favorite properties. The instant invention allows for the client to generate a list of favorite properties based on their own research of MLS information.

Present dependent claim 8: Mozayeny et al. allows only for a change in "showing status" to be communicated to a client. The instant invention communicates price reductions, in-escrow information, sold status, etc., not available with Mozayeny et al.

Present dependent claim 13: Mozayeny et al. provides limited statistics regarding a specific individual property showing, as shown in his feedback form, FIG. 8. The present invention provides comprehensive statistics regarding supply vs. demand in the overall real estate market.

Present dependent claim 15: According to Mozayeny et al., clients do not have access to the information contained in the system. The present invention allows clients to have access, in particular to MLS information.

Present dependent claim 16: Mozayeny et al. in section 0074 teaches the posting of general information, not as claimed wherein the first agent must be a listing agent.

Present dependent claim 17: According to Mozayeny et al. the agents pick the favorites. The clients do not. Therefore it is impossible for an agent to view the favorites that a client has selected, because the client is unable to do so. The present invention allows the client to generate a list of favorites and for the agent to view that list.

Present dependent claim 18: Mozayeny et al. is different and opposite the claimed structure. According to Mozayeny et al. the "buyer" can view the agent's picks. According to the instant invention, the agent can view recent activity by the buyer. The buyer can view certain properties (MLS information) and the agent can review what the client has been looking at. This provides the agent with a better understanding as to what kinds of properties appeal to the client. Such capability is impossible with Mozayeny et al.

Present dependent claim 19: Mozayeny et al. does not teach or suggest FAXing a defects page to the system. The present invention FAXES a defects page by the listing agent that is to be included as part of the MLS information.

Present dependent claim 20: Mozayeny et al. does not teach or suggest a client commitment. Mozayeny et al. does not even require any sort of a client registration. This is opposite the claimed structures of the present invention.

Present dependent claim 21: This is not possible with Mozayeny et al. as clients using his system do not search, therefore there can be no saved searches by a client for an agent to view, as the present invention claims.

Present dependent claim 22: This is not possible with Mozayeny et al. as clients do not register with his system.

Present dependent claim 24: Mozayeny et al. does not select an agent via his system. This is done, presumably in person, well before using his system. The system of Mozayeny et al. does not include, teach, or suggest any client-agent relationship with his system. There is no agreement that must be in place for a client to access the system of Mozayeny et al.

Present dependent claim 26: Mozayeny et al. does not teach or suggest inputting information into his system on future properties to be included in MLS, but not presently on MLS.

Present dependent claim 27: Mozayeny et al. does not teach or suggest providing an alert to an agent that a client (of the agent) is using the system.

Claims 1 and 2 include elements (sharing of MLS information) that are absent Mozayeny et al. and the cited references. Therefore, these elements would also be absent from any proposed combination. As remaining dependent claims 3-33 depend from claim 2, these dependent claims also include the limitations of claim 2.

Accordingly, even if Mozayeny et al. were considered as a reference, the rejections as applied to claims 1-33 are believed to be overcome and reconsideration of claims 1-33 is respectfully requested.

The prior art made of record and not relied upon that is considered pertinent to the applicant's disclosure has


been reviewed by the undersigned, but is deemed no more relevant than the applied references.

As all remaining claims 1-33 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

5. The applicant appreciates the opportunity to communicate by telephone with the Examiner if necessary. Please continue to direct all correspondence to the correspondence address and telephone as shown below.

6. It is confusing where to send the response. The Examiner provides an address inconsistent with the current mail stop designation. Accordingly, this response is being sent to Mail Stop: FEE AMENDMENT in Alexandria along with payment of the extension as is required for fee amendments. A copy of this (absent the payment of the fee) is being sent concurrently to the address provided by the Examiner.

Respectfully submitted,

 January 9, 2004

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